

REMARKS

Claims 1-24, 29 and 30 are now in the application. Claim 15 has been amended to recite “thereby solidifying the composition” in place of “for solidification” and “thereby plasticizing the composition” in place “for plasticization” for purposes of clarification and not to limit its scope. The amendment to claim 15 addresses the comment in the Advisory Action that solidification” and “plasticization” are not given patentable weight since they refer to intended use. Claim 16 has been amended to recite “ubiquinol-enriched” for purposes of clarification and not to limit its scope. Claim 23 has been amended to recite “of the ubiquinol-enriched oil/fat-containing food product” for purposes of clarification and not to limit its scope. The amendments to the claims do not introduce any new matter.

Claims 15, 16, 21-24, 29 and 30 are directed to the elected invention. Claims 1-14 and 17-20 are drawn to non-elected invention and may be canceled by the examiner upon the allowance of the claims directed to the elected invention.

The rejection of Claims 15, 16, 21 and 22 under 35 USC 103 (a) as being obvious over US patent 6,441,050 to Chopra has been overcome by the above amendments to the claims. In particular, Claim 15 includes recitations from previously presented claims 25 and 28, which were not rejected on this ground.

Claims 15, 23-25 and 28-30 were rejected under 35 USC 102 (e) as being anticipated by US patent 6,441,050 to Chopra. Chopra does not anticipate Claims 15, 23, 24, 29 and 30 as now amended.

Chopra is directed to an orally palatable liquid composition comprising ubiquinol, a polysorbate surfactant and triglyceride. Chopra suggests adding ubiquinol to a mixture of phospholipid, triglycerides and a polysorbate surfactant at an elevated temperature and stirring the mixture (please see col. 9, lines 45 to 55).

However, Chopra neither teaches nor suggests solidifying nor plasticizing the mixture. Chopra suggests a composition in a liquid form. A solidified or plasticized composition is not obvious from the liquid form composition of Chopra.

According to the present invention, a solid fat is used and it is possible to disperse ubiquinol uniformly in a food product even when ubiquinol is added over its solubility limit in the oil/fat. It is important for a food product not to give to the consumer uncomfortable feelings with respect to flavor, texture, and appearance of the food.

The composition of Chopra is a pharmaceutical composition and it is not necessary to prevent non-uniform dispersion or localization of components. In fact, Chopra does not teach that the liquid form composition is homogeneous. Chopra even state that the ubiquinol and reducing agent are at least partially solubilized into the liquid (please see col. 8, lines 33 to 34).

Further, in the presence of an oil/fat, ubiquinol is appropriately protected against oxidation.

Claim 22 recites that the content of ubiquinone and ubiquinol in total is 0.0001 to 50% by weight of the ubiquinol-enriched oil/fat-containing food product when the content of both ubiquinol and ubiquinone is calculated as ubiquinone (please see page 10, lines 23 to 32 in the specification). Therefore, even if ubiquinone is converted to ubiquinol, the content does not change.

Therefore the present invention according to claim 15 is neither anticipated by nor obvious over Chopra. The same is true with the other claims dependent upon claim 15.

In view of the above and the prior response filed March 24, 2010, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185, under Order No. 21581-00500-US from which the undersigned is authorized to draw.

Dated: April 27, 2010

Respectfully submitted,

By: Burton A. Amernick/

Burton A. Amernick

Registration No.: 24,852

CONNOLLY BOVE LODGE & HUTZ LLP

1875 Eye Street, NW

Suite 1100

Washington, DC 20006

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Assignee